

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

EARNEST J. MATTHEWS §
VS. § CIVIL ACTION NO. 1:18cv9
STACEY LEBLANC, ETT AL. §

ORDER OVERRULING OBJECTIONS AND ACCEPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Earnest J. Matthews, an inmate confined within the Texas Department of Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled civil rights lawsuit. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court.

Defendant Stacey LeBlanc has filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) (doc. no. 30). The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the motion be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections, as well as supplemental objections. The court must therefore conduct a *de novo* review of the objections in relation to the pleadings and the applicable law.

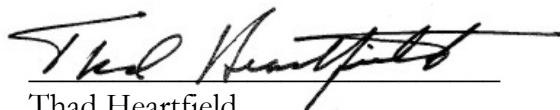
After careful consideration, the court is of the opinion plaintiff's objections are without merit. The Eleventh Amendment bars any claim against defendant LeBlanc in her official capacity. With respect to the claims against her in her individual capacity, plaintiff's allegations fail to state a claim against her either as a supervisor or through personal involvement. Moreover, the Magistrate Judge correctly concluded defendant LeBlanc was entitled to qualified immunity.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. The

motion to dismiss is **GRANTED**. The claims asserted against defendants LeBlanc are **DISMISSED**.

SIGNED this the 7 day of August, 2020.



Thad Heartfield
United States District Judge